

REMARKS

This Amendment is in response to the office action of November 9, 2007 in which the Examiner rejected claims 9 as anticipated by Riello and rejected claims 11-6 as unpatentable over Riello in view of Bottaro.

The rejections are respectfully traversed for the reasons set forth below.

The independent claims have been amended in order to clarify the invention. In the amendment, the housing has a wall perpendicular to the central axis thereof in order to divide the housing, a sleeve like structure into two isolated compartments, one compartment near the room encloses the components of the evaporator, and one compartment near the outside of the building encloses the condenser. The wall defines a plane within the housing. Therefore, the wall separates the evaporator and condenser components into two compartments; and the noisiest components are located in the compartment furthest removed or spaced from the room. Accordingly, the compartment enclosing the condenser is isolated from the room by a planar baffle, i.e. the wall; and the compartment with the condenser is separated or spaced from the room by a buffer, namely the compartment housing the evaporator.

None of the references cited by the Examiner have the condenser and evaporator in compartments separated by a wall perpendicular to the channel in the housing; and none of the references have a buffer between the evaporator and condenser. The Riello reference has the components separated, but they are not separated so that the separating wall lies in a plane perpendicular to the central axis (or parallel to the inner and outer walls of the building). More importantly, the wall traversed the entire cross-section of the sleeve, so that the compartment nearest the room is completely in front of the compartment outside the building. The compartments separate the evaporator part from the condenser part in such a way that the condenser part, which is the portion of the air conditioner which is noisy, is located in the compartment outside the building. The separating wall of the application lies on the plane Y-Y which is shown in the marked drawing submitted with the prior action.

Riello, at col. 3, lines 66-67 states " Spaces 26 and 28 are separated, inside of casing 10, e.g. by a **suitably shaped partition wall 24** (see figs. 3 and 4), .that Riello

has a wall or partition that is suitably shaped accommodate the positionment of the evaporator and condenser components. In the present invention the evaporator and condenser components are positioned to accommodate the positionment of the separating wall.

This difference is not trivial, and has a major effect on the operation of the air conditioner. Very importantly, the separation wall which forms the two compartments is positioned so that noise is greatly reduced. The noisy components are located in the outside compartment, and the evaporator part, which is less noisy is located in the inside compartment. While both compartments each have a fan, the condenser has a compressor motor which has moving parts as well. Therefore, the condenser which is more noisy is located in a compartment spaced from the room and outside the building.

The compartmentalization of the two major divisions of the air conditioner is achieved so that the noise making parts are positioned as far as possible from the room. This difference can be seen by comparing the Fig 3 of Riello with Fig 5 of the application. It is clear that the compressor 8 of the application is positioned near the outside of the building and is further separated by the wall on the plane Y-Y which completely traverses the housing. As a result, the wall provides a noise baffle, and the space forming the inner compartment forms a buffer between the separating wall and the inner wall of the housing part located in the room.

In contrast, the compressor 40 in the reference is positioned in the housing nearer the inside of the room. In addition, the suitably shaped partition wall 24 does not extend completely across the housing, so there is no wall separating the compressor from the inside wall of the housing. As a result there is no noise baffle precisely where it is needed, i.e. between the compressor and the inner wall of the housing inside the room. Accordingly there is no noise baffle in the form of a wall between the compressor and the room; and there is no noise buffer in the form of a closed space between the compressor and the inside wall.

It is submitted that the arrangement of Riello does not isolate the noisy components from the room. In the reference the compressor is at least half way into the room. More importantly, the compressor is not isolated by the separating wall and is not spaced away from the inside of the room.

None of the references noted by the Examiner suggest ways in which the advantages of the invention are achieved. Accordingly, it is respectfully requested that the Examiner reconsider the rejection and allow the claims.

The Commissioner is authorized to charge deposit account 504147 for any fees which may be required or credit any overpayment thereto.

Respectfully submitted,
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